

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

U.S. BANK NATIONAL ASSOCIATION
as TRUSTEE FOR VELOCITY
COMMERCIAL CAPITAL LOAN
TRUST 2018-2,

Case No. 2:19-cv-11553-TGB-MKM

Plaintiff,

HON. TERRENCE G. BERG

v

THE AGENCY REALTY EXECUTIVES,
LLC, et al.,

Defendants.

**DEFENDANT STATE OF
MICHIGAN, DEPARTMENT
OF TREASURY'S ANSWER
TO COMPLAINT**

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DEFENDANT STATE OF MICHIGAN, DEPARTMENT OF TREASURY'S
ANSWER TO COMPLAINT

The Michigan Department of Treasury ("Treasury"), through its attorneys, DANA NESSEL, Attorney General of the State of Michigan, and Moe Freedman, Assistant Attorney General, answers as follows:

PARTIES, JURISDICTION, AND VENUE

1. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.
2. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.
3. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.
4. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.
5. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.
6. Treasury admits this allegation.
7. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.
8. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.
9. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

BACKGROUND

10. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

11. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

12. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

13. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

14. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

15. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

16. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

17. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

18. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

19. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

20. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

COUNT ONE-BREACH OF PROMISSORY NOTE

21. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

22. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

23. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

24. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

25. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

COUNT TWO-BREACH OF PERSONAL GUARANTY

26. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

27. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

28. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

29. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

30. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

31. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

COUNT THREE-FORECLOSURE OF MORTGAGE

32. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

33. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

34. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

35. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

36. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

37. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

38. Treasury admits that it holds a tax lien that may give it an interest in the property that is the subject of this action.

39. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

**COUNT FOUR-SPECIFIC ENFORCEMENT OF ASSIGNMENT OF
RENTS**

40. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

41. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

42. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

43. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

44. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

45. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

46. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

COUNT TWO-APPOINTMENT OF A RECEIVER

47. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

48. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

49. Treasury has no information regarding the allegation other than what was provided in the complaint and so neither admits nor denies the allegation.

Respectfully Submitted,

DANA NESSEL
Attorney General of Michigan



/s/ Moe Freedman

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